



***Environmental
Planning
Commission***

***Agenda Number: 5
Project Number: 1001681
Case Number(s): 09EPC-40031/40032
September 17, 2009***

Supplemental Staff Report

<i>Agent</i>	Vogel, Campbell & Blueher, PC
<i>Applicant</i>	Dismas House New Mexico, Inc.
<i>Request(s)</i>	Zone Map Amendment Site Development Plan for Building Permit
<i>Legal Description</i>	Lot 2A, W1/2 of S1/2 of E1/2 of Lot 2 & E1/2 of S1/2 of E1/2 of Lot 2, Block 18, Monkbridge Addition
<i>Location</i>	Candelaria Rd. NW between 5 th St. and Otra Vez Ct. NW
<i>Size</i>	Approximately 1.056 acres
<i>Existing Zoning</i>	R-2 and R-1
<i>Proposed Zoning</i>	SU-1 for Community Residential Corrections Program

Staff Recommendation

APPROVAL of 09EPC-40032 (Zone Map Amendment), based on the Findings beginning on Page 7 and the Conditions of Approval beginning on Page 12.

APPROVAL of 09EPC-40031 (Site Development Plan for Building Permit), based on the Findings beginning on Page 12 and the Conditions of Approval beginning on Page 14.

Staff Planner

Carol Toffaleti, Planner

Summary of Analysis

The dual request is a zone map amendment from R-2 and R-1 to SU-1 for Community Residential Corrections Program and a Site Development Plan for Building Permit for a site of 1.056 acres located on Candelaria Rd. NW between 5th St. and Otra Vez Court. The request was deferred at the July EPC hearing for 60 days.

The site is in the Established Urban Area of the Comprehensive Plan and within the boundaries of the North Valley Area Plan. The applicant has been operating a halfway house for 15 years on part of the site, but has expanded beyond the 10 resident limit imposed on the conditional use by R-2 regulations. The applicant has provided an adequate justification for the zone change per R-270-1980, to demonstrate that it is advantageous to the community and not injurious to the surrounding residential neighborhood. The site development plan for building permit is mostly "as built" but includes notes governing the use and improves the landscaping and parking on the site. The dual request furthers a preponderance of applicable goals and policies in City plans and complies with City regulations.

There is neighborhood support for the proposal and no known opposition.

This staff report should be read in conjunction with the report dated July 18, 2009

UPDATE

Since the July 18th EPC hearing, the applicant has met with key city staff and addressed comments from departments, agencies and the affected neighborhoods. The applicant submitted a revised site development plan dated 8/26/09 and additional justification for the zone change, which are analyzed in this staff report.

ADDITIONAL INFORMATION

Staff would like to set the record straight about where Community Residential Programs can operate permissively. The July staff report included a table with information compiled from the Zoning Code, which staff has amended below (new information is underlined):

<u>Location</u>	<u>Status of Community Residential Corrections Program (CRCP)</u>
<u>Dwelling (as defined in 14-16-1-5)</u>	<u>CRP (which includes CRCP) is permissive for a group meeting the definition of a family, i.e. up to 5 persons, and is not controlled by CRP regulations (14-16-3-12 (H))</u>
R-2 Residential	CRCP for up to 10 client residents is a conditional use
R-3 Residential	same as above
RC Residential Commercial	same as above
O-1 Office	CRCP for up to 15 client residents is a conditional use
C-2 Community Commercial	CRP (which includes CRCP) is a conditional use; no maximum number of client residents is stipulated.
C-3 Heavy Commercial	same as above
M-1 Light Manufacturing	CRCP up to 15 client residents is a conditional use

SUPPLEMENTAL ANALYSIS

Resolution 270-1980 (Policies for Zone Map Change Applications)

The applicant provided additional justification for the zone change in a letter dated September 2, 2009, to address deficiencies identified in the July staff report. Only the additional justification is analyzed below:

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

The applicant recognizes that stability of zoning is enhanced if the Special Use zone includes specific conditions that will remain with the property even if the operator changes. The applicant points to the accompanying site development plan that has been revised to incorporate clear

controls on the use and improvements to parking and landscaping. The use of the existing houses on the property will also maintain the character of the established residential neighborhood.

Staff agrees.

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments there, to, including privately developed area plans which have been adopted by the city.

The applicant cited additional goals and policies that apply to the request and explained how they are furthered by the zone change. The proposed community residential corrections program is a type of higher density housing that is appropriate on Candelaria, a major street, and in an area with an existing mixed density pattern and public infrastructure (Comprehensive Plan or CP policy II.B.5.h). The application minimizes harmful effects of traffic on the arterial because the majority of the residents at the facility do not drive cars and fewer trips will be generated than would be allowed under the existing zoning for townhouse and apartments (CP policy II.B.5.k). Through the use of the site plan to control the development and maintenance of the, the application prevents negative effects on individuals and properties (CP policy II.D.8.c). The change maintains a successful program that reduces recidivism of former convicts and will lead to a safer, more law-abiding community (CP policy II.D.9.e). The request provides a choice in affordable, transitional housing for an underserved part of the community (North Valley Area Plan or NVAP Goal 2.c, Housing policy 3). The request rezones the property to its present residential use, which stabilizes land use in the North Valley (NVAP Zoning & Land Use policy 2).

Staff agrees. In addition, staff finds that the site plan in the proposed SU-1 zone is also a strong tool to ensure that the operation of the CRCP program does not have adverse effects on the surrounding neighborhood and public safety.

- D. The applicant must demonstrate that the existing zoning is inappropriate because:

1. There was an error when the existing zone map pattern was created; or
2. Changed neighborhood or community conditions justify the change; or
3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

The applicant states that the proposed zone is more advantageous to the community because it allows a community residential corrections program that is subject to very specific design criteria and conditions placed on the property through a site development plan, in addition to CRCP regulations in the Zoning Code. The strictures include landscaping, vehicular circulation, parking and population limits. Programs to rehabilitate offenders are advantageous to the community, but are difficult to site.

Staff agrees and would add that the statements are consistent with City planning policies. Maintaining the use in the existing zone would mean reducing the number of residents in the

program by over 50%, despite the fact that it is generally supported by the surrounding neighborhoods at the existing scale.

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

The applicant states that the proposed zone is limited to one specific use that has not been found by the City to be injurious to adjacent property, the neighborhood or the community at large, per CRP regulations. The requirements in the site plan, including improved landscaping, will have a positive impact.

Staff concurs and would also point out that, under the proposed zoning, the use will continue to be monitored by City Code Enforcement to ensure compliance with CRP regulations and a site plan approved by the EPC.

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a “spot zone.” Such a change of zone may be approved only when:
1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The applicant claims that the request does not constitute a spot zone and that City policies seem to favor them because there are so many in existence. However, the applicant also explains that SU-1 zoning is intended for land uses that are unusual or infrequent in occurrence and that CRP zoning regulations require the programs to be separated from each other. The applicant also points out that although the dual request represents a change in the legal designation of the site, it would not alter its residential use.

SU-1 zones are considered spot zones, but staff agrees that it is the appropriate way to control the proposed use within a residential neighborhood. The applicant provided valid arguments under Section C to demonstrate that the zoning would help realize City planning policies.

In conclusion, staff finds that the applicant’s additional justification for the zone change is acceptable and completes their requirements under R-270-1980.

ANALYSIS OF SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

General comments

The site development plan is “as built” in terms of the structures on the property, i.e. the houses, outbuildings, walls and fences. However, it indicates that the parking, internal circulation and landscaping will be improved. A separate landscape plan was in fact added to the submittal to provide greater clarity and more complete information.

Because the proposed SU-1 zoning is unique and is governed by the site development plan, notes were added to establish regulations that are specific to the use of the subject site as a community residential corrections program. See General Notes B through G.

Vehicular Access, Circulation and Parking

The site is accessed at three curb cuts, one shared by Number 623 and 627 Candelaria and two at 701 Candelaria. Transportation Development has requested that all three be retained. An internal drive provides cross-access between the existing lots at the rear.

Parking provision in an SU-1 zone is at the EPC's discretion (14-16-2-22 (C)). Up to now, off-street parking for the program has been provided informally at the rear of the houses and on the drive and parking space at the front of 701. The revised site plan proposes 9 spaces distributed around the site, but still primarily at the rear of the dwellings. The number is based on the maximum number of people who reside on or visit the site, and use a car. Two motorcycle spaces are also provided at the rear of the supervisor's residence.

The surface of the drives and parking area will be upgraded with crusher fines where necessary (see Legend) and parking spaces will have wheel stops. The disabled space meets the design standards of the Zoning Code (14-16-3-1 (F)(9)(b)) and has a concrete pad to comply with the Development Process Manual (DPM).

Pedestrian and Bicycle Access and Circulation, Transit Access

Pedestrian access is from the sidewalk on Candelaria and up the existing driveways and walkways, which is typical for single family homes in this area. There is existing space to park 4 bicycles in the covered patio at the rear of 627 Candelaria.

Bus stops on 4th and 12th streets are located within walking distance of the site.

Lighting and Security

The site development plan indicates an existing 12' high light pole at the northwest corner of the supervisor's house and a porch light at the rear of each of the larger houses.

Landscaping

The applicant has provided complete landscaping information on a separate sheet (L-1). The existing live vegetation will remain, which consists of several evergreen trees, a small number of deciduous trees, and lawn in front of No. 627 and next to the supervisor's dwelling. The new landscaping will replace most of the bare, un-treed areas with native Blue Grama seed, which is a practical and sustainable choice for this site and use. The large area at the front of No. 701 will be planted with 11 fruit trees and orchard grass. This treatment is in keeping with the rural heritage of the North Valley. It will beautify the street frontage and provide both a rehabilitation activity and food for the client residents.

The landscape plan complies with zoning regulations and will improve the appearance of the property and minimize erosion and dust.

Grading, Drainage, Utility Plans

The site is essentially flat and the applicant obtained a waiver from the City Hydrologist for a grading & drainage plan.

A separate utility plan is not required because the development is “as built” and is already connected to public utilities. The site plan (sheet 1) shows the existing overhead utilities on Candelaria, water and gas meters, and fire hydrants.

Architecture

The site contains a flat-roofed pueblo-style house at No. 701 and several structures at No. 623 and 627: two cottages with pitched roofs and small porches, a smaller cottage at the rear, and sheds. The buildings look similar to other residential properties in the area. No changes are proposed to the buildings.

Signage

No signage is existing or proposed. Numerical addresses for the houses are already provided above each entrance.

In conclusion, staff finds that the site development plan is in compliance with relevant regulations, and incorporates all the information requested by various departments and agencies with jurisdiction over the use.

CONCERNS OF REVIEWING AGENCIES

A previous revision of the site development plan was distributed to Transportation Development, the Fire Department and the Police Department for comment, who found it acceptable. Their comments begin on p. 16. Zoning Services reviewed the final revision of the site development plan and are requesting an additional note on the site development plan to require that the operator be a member of the affected neighborhood association(s). Staff is awaiting advice from Legal Services on this request.

NEIGHBORHOOD/PUBLIC CONCERNS

The revised site development plan addresses concerns that neighborhood representatives expressed at the facilitated meeting about weeds and dead trees, and maintaining the residential “look and feel” of the property. To staff’s knowledge, the revised submittal has not been reviewed by neighborhood representatives. However, even the original submittal did not generate opposition and was supported by the Monkbridge and Near North Valley associations. No written comments have been received since the July staff report was printed.

CONCLUSIONS

The intent of the dual request is to legalize an established community residential corrections program, which was expanded in recent years and now violates the applicant's conditional use permit that limits client residents to 10.

Staff considers that the zone change has merit when analyzed against applicable goals and policies of the Comprehensive Plan and North Valley Area Plan. The applicant provided an acceptable justification for the zone change per R-270-1980. They demonstrated that it is more advantageous to the community than the existing zoning, because it does not alter the residential use of the property, meets a public need and is generally acceptable to the surrounding neighborhoods.

The accompanying site development plan complies with city requirements for landscaping, vehicular access, circulation and parking and it places adequate controls on the proposed use. The latter are particularly important in the event the applicant vacates the property and the residential program is operated by a different organization, with no track record in the local community.

Staff recommends approval subject to conditions.

FINDINGS – 09EPC-40032, September 17, 2009, Zone Map Amendment

1. A zone change from R-2 and R-1 to SU-1 for Community Residential Corrections Program is requested for a site of 1.056 acres located on Candelaria Rd. NW between 5th Street and Otra Vez Court, that comprises Lot 2A, the W1/2 of S1/2 of E1/2 of Lot 2 and the E1/2 of S1/2 of E1/2 of Lot 2, Block 18, Monkbridge Addition.
2. The applicant is a faith-based non-profit organization that has operated a community residential corrections program at 623 and 627 Candelaria Rd. NW (the east portion of the site) since 1994 under two conditional use permits (ZA-94-304 and project 1001681 / case 01ZHE-01883). The applicant purchased the adjacent property at 701 Candelaria at a later date and expanded the program. The applicant is seeking the zone change, because the number of client residents that it wishes to continue serving (up to 22 persons) exceeds the maximum allowed as a conditional use in the R-2 zone (10 persons). The mission of the program is to assist motivated adults on probation and parole to transition successfully into society by providing housing, behavioral health services, job skills and social networking. The existing program does not accept sex offenders and arsonists.
3. The subject site is in the Established Urban Area of the Comprehensive Plan and within the boundaries of the North Valley Area Plan.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the North Valley Area Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The zone map amendment request is accompanied by a site development plan for building permit (09EPC-40031).
6. The existing and proposed use of the subject site is subject to Community Residential Program regulations in the Zoning Code (14-16-3-12).
7. The Probation and Parole Division (Region II - Standard Supervision – Albuquerque), NM Corrections Department, supervises offenders on probation and parole, including those residing in Community Residential Corrections Programs in the City of Albuquerque.
8. Because the subject site is less than 1000 feet from Garfield Middle School, an adult who has committed a sex offense against a child is not allowed to reside on the site, under Section 11-12-

2-7 (C), ROA 1994, of the Albuquerque Sex Offender Registration and Notification Act (C/S O-04-18, Enactment O-2004-017).

9. The request furthers the following elements of the Comprehensive Plan (CP) and the North Valley Area Plan (NVAP):
- a. The zone change expands the choice of housing and lifestyles for a particular segment of society by providing a community residential program within an established residential neighborhood (CP Established Urban Area goal, NVAP General Goal 2).
 - b. The property will be rezoned for its present residential use, which stabilizes zoning and land use in the North Valley area (NVAP Zoning and Land Use policy 2.g, Housing policy 1.a & c).
 - c. The proposed community residential use is a form of higher density housing that is appropriate in this location, on a major street and in an area with a mixed density pattern (CP Established Urban Area policy II.B.5.h)
 - d. The proposed zoning generates fewer car trips than some of the permissive uses allowed in the current R-2 zoning, such as apartments, which minimizes harmful effects of traffic on the adjoining arterial street and in a school zone (CP Established Urban Area policy II.B.5.k)
 - e. The proposed use is a combination of housing and human services, which is an efficient placement of complementary land uses. The site is also located on a major street and near a community activity center, a commercial corridor and two bus routes, which is convenient for the residents, who rely on non-car modes for their transportation needs (CP Transportation and Transit goal).
 - f. The proposed zoning preserves and increases the supply of affordable housing for a particular segment of society, who have difficulty finding lodging especially in residential neighborhoods (CP Housing goal and policy II.D.5.a, NVAP Housing policy 3.a).
 - g. The proposed zone, in a residential neighborhood near shops, services and transit, is well located to serve the client group who seek to reintegrate into society, are looking for employment and rarely own a car (CP Human Services goal).

- h. Under the proposed SU-1 zone, the use can be adequately controlled through a site development plan to ensure the safety and security of the community (CP Public Safety goal and policy II.D.9.e)

10. The applicant has provided an adequate justification for the zone change per R-270-1980:

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

The proposed Community Residential Corrections Program already exists on the site and will continue to comply with zoning regulations, which includes annual reporting and site inspections by city officials. The program is to help persons on parole and probation transition into work, school and productive behavior as citizens. The city oversight and the purpose of the use, supplemented by the state's supervision of individual offenders, are generally consistent with the health, safety, morals and general welfare of the city.

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

The request will maintain stability of land use and zoning, because the site has been operated successfully for many years as a community residential corrections program. The proposed zoning and accompanying site development plan will maintain the existing low density dwellings on the site, which blend in with the surrounding residential neighborhood. The number of residents is greater than allowed conditionally in a residential zone, but the accompanying site development plan includes adequate operational controls to ensure that the current, or a future, program on the site does not destabilize the surrounding residential neighborhood.

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments there, to, including privately developed area plans which have been adopted by the city.

The change is consistent with several elements of the Comprehensive Plan (CP) and the North Valley Area plan (NVAP). The request to rezone the property to its present residential use stabilizes land use in the North Valley (NVAP Zoning and Land Use policy 2). The proposed zoning offers choice in housing and life styles (CP Established Urban Area goal, NVAP Goal 2.c). In particular, it retains the use of the subject site for affordable, transitional housing for an under-served part of the population (CP Housing policy II.D.5.a, NVAP Housing policies 1 & 3). The proposed zoning for a community residential program meets a significant social need, has support from the surrounding neighborhoods and does not change the distribution of these facilities in the city since it is an existing use (CP Human Services goal and policies II.D.8.b & c). The proposed community residential program intensifies the use of dwellings that are located on an arterial street and in an area with a mixed density pattern (CP Established Urban Area policy II.B.5.h). The site is well-located to serve

residents who rely on walking, cycling and public transportation (CP Transportation and Transit goal). The proposed zoning will generate less traffic than permissive townhouse and apartment uses in the existing zone (CP Established Urban Area policy II.B.5.k). The accompanying site development plan makes the proposed zone consistent with the Public Safety goal and policy II.D.9.e of the Comprehensive Plan.

D. The applicant must demonstrate that the existing zoning is inappropriate because:

1. There was an error when the existing zone map pattern was created; or
2. Changed neighborhood or community conditions justify the change; or
3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

The change is more advantageous to the community as articulated in city plans and discussed under Section C. The SU-1 zone allows the existing CRCP program to expand and meet the extraordinary public need for such facilities. The expansion is appropriate in this location, since it has been in successful operation at this site for many years and can continue to be compatible with the surrounding residential neighborhood, due to city oversight under the CRP regulations and to site plan control.

E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

The proposed zone is limited to a specific use, which has existed on the site for a number of years and has not been found to be injurious to adjacent property, the neighborhood or the community at large. The use will continue to meet CRP reporting and monitoring requirements of the Zoning Code. The accompanying site development plan also contains additional requirements that contribute to public safety.

F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:

1. Denied due to lack of capital funds; or
2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

No capital expenditures are required from the City and the program has a positive effect on the public treasury by reducing the amount of money spent on jail space and operations.

G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

Economic considerations are not the determining factor as the land is already owned by the applicant.

H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

The location of the site on a major street is not a justification for the zone change.

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The proposed SU-1 zone for CRCP is a spot zone and the CRP zoning regulations require that such facilities are not unduly concentrated in a given area of the city. However, the change realizes several goals and policies in City plan discussed under Section C. Although the request represents a change in the legal designation of the site, the accompanying site development plan does not alter the residential use and appearance of the site.

- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where:
1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The request is not for a strip commercial zone.

11. Per the City Legal Department, it is appropriate for the zoning and/or accompanying site development plan to refer to Community Residential Program regulations (14-16-3-12) and the Albuquerque Sex Offender Registration and Notification Act.
12. Property-owners within 100', the Monkbridge Neighborhood Association (NA), the Near North Valley NA and the North Valley Coalition were notified of the proposal. The applicant met with the Near North Valley NA on June 15, 2009 and a facilitated meeting was held on June 25, 2009 with interested parties from the surrounding neighborhoods. There was general support for the request but participants requested more landscaping. Letters of support were received from the presidents of the Monkbridge and the Near North Valley NAs, an adjoining property-owner and the Program Manager of the NM Corrections Department. There is no known opposition to the request.

RECOMMENDATION - 09EPC-40032, September 17, 2009

APPROVAL of 09EPC-40031, a Zone Map Amendment from R-2 and R-1 to SU-1 for Community Residential Corrections Program, for Lot 2A, the W1/2 of S1/2 of E1/2 of Lot 2 and E1/2 of S1/2 of E1/2 of Lot 2, Block 18, Monkbridge Addition, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - 09EPC-40032, September 17, 2009, Zone Map Amendment

1. Concurrent EPC approval of the accompanying site development plan for building permit (09EPC-40031) and sign-off by the DRB within 6 months.
2. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

Conditions of approval for the proposed Zone Map Amendment and Site Development Plan for Building Permit shall include:

- a. If applicable, the Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
- b. Concurrent platting action required at the DRB.

FINDINGS – 09EPC-40031, September 17, 2009, Site Development Plan for Building Permit

1. A site development plan for building permit is requested for a site of 1.056 acres located on Candelaria Rd. NW between 5th Street and Otra Vez Court, that comprises Lot 2A, the W1/2 of S1/2 of E1/2 of Lot 2 and the E1/2 of S1/2 of E1/2 of Lot 2, Block 18, Monkbridge Addition.
2. The applicant is a faith-based non-profit organization that is operating a community residential corrections program in four existing dwellings on the site, at 701, 627 and 623 Candelaria Rd. NW. They propose a maximum of ten (10) client residents at 701 Candelaria and six (6) at both 627 and 623 Candelaria, for a total of 22 client residents. One (1) site supervisor resides in the small cottage at the rear of 623 Candelaria. The mission of the program is to assist motivated adults on probation and parole to transition successfully into society by providing housing, behavioral health services, job skills and social networking. The program does not accept sex offenders and arsonists.

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3. The subject site is in the Established Urban Area of the Comprehensive Plan and within the boundaries of the North Valley Area Plan.
 4. The Albuquerque/Bernalillo County Comprehensive Plan, the North Valley Area Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
 5. The request is accompanied by a zone map amendment (09EPC-40032).
 6. The proposed use is subject to Community Residential Program regulations in the Zoning Code (14-16-3-12).
 7. The Probation and Parole Division (Region II - Standard Supervision – Albuquerque), NM Corrections Department, supervises offenders on probation and parole including those residing in Community Residential Corrections Programs in the City of Albuquerque.
 8. Because the subject site is less than 1000 feet from Garfield Middle School, an adult who has committed a sex offense against a child is not allowed to reside on the site, under Section 11-12-2-7 (C), ROA 1994, of the Albuquerque Sex Offender Registration and Notification Act (C/S O-04-18, Enactment O-2004-017).
 9. The request furthers the following elements of the Comprehensive Plan (CP) and the North Valley Area Plan (NVAP):
 - a. The proposed maximum number of client residents on the site represents a form of higher density residential use, which is appropriate on a major street and in an area with a mixed density pattern (CP Established Urban Area policy II.B.5.h).
 - b. Maintaining the existing homes and the low residential density of the site (in terms of dwelling units) preserves the environmental quality of the North Valley and encourages residents' reintegration into the community (CP Human Services Goal, NVAP Goal 2.b & c).
 - c. The number of residents indicated on the site development plan legalizes an increase in the supply of affordable housing available to the client group in the community (CP Housing goal and policy II.D.5.a)

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- d. The additional landscaping and the upgrading of parking areas and drives will improve the quality of the visual environment and control dust (CP Established Urban Area policy II.B.5.m, Developed Landscape policy II.C.8.d)
 - e. The site development plan minimizes the potential negative effects of the community residential corrections program on the surrounding neighborhoods, through operational controls on the use and upgraded landscaping, including an orchard that provides a rehabilitation activity for residents (CP Human Services policy II.D.8.c, Public Safety goal and policy II.D.9.e).
10. Overall, the request is not in significant conflict with the CP Energy Management goal and policy II.D.3.a. The “as built” nature of the development maintains the status quo of energy efficiency of the low density residential development; and the landscape plan replaces large areas of bare ground with landscaping, which will slightly reduce the heat island effect of the development.
11. Property-owners within 100’, the Monkbridge Neighborhood Association (NA), the Near North Valley NA and the North Valley Coalition were notified of the proposal. The applicant met with the Near North Valley NA on June 15, 2009 and a facilitated meeting was held on June 25, 2009 with interested parties from the surrounding neighborhoods. There was general support for the request but participants requested more landscaping. Letters of support were received from the presidents of the Monkbridge and the Near North Valley NAs, an adjoining property-owner and the Program Manager of the NM Corrections Department. There is no known opposition to the request.

RECOMMENDATION - 09EPC-40031, September 17, 2009

APPROVAL of 09EPC-40031, a Site Development Plan for Building Permit, for Lot 2A, the W1/2 of S1/2 of E1/2 of Lot 2 and E1/2 of S1/2 of E1/2 of Lot 2, Block 18, Monkbridge Addition, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - 09EPC-40031, September 17, 2009, Site Development Plan for Building Permit

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC

hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. EPC approval of the accompanying zone change request (09EPC-40032).
4. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

Conditions of approval for the proposed Zone Map Amendment and Site Development Plan for Building Permit shall include:

- a. If applicable, the Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
- b. Concurrent platting action required at the DRB.

Carol Toffaleti
Planner

cc: Dismas House New Mexico, Inc., P.O. Box 6101, Albuquerque, NM 87197
Vogel Campbell & Blueher, PC, 6100 Uptown NE, Suite 500, Albuquerque, NM 87110
David Benavidez, Monkbridge Gardens N.A., 2809 5th St. NW, Albuquerque, NM 87107
Tamara Thiedeman, Monkbridge Gardens N.A., 605 Headingly NW, Albuquerque, NM 87107
Richard Sandoval, Near North Valley N.A., 3405 Northfield Ct. NW, Albuquerque, NM 87107
Marie NaVeaux, Near North Valley N.A., 1028 McMullin NW, Albuquerque, NM 87107
Chris Catechis, North Valley Coalition, 5733 Guadalupe Tr. NW, Albuquerque, NM 87107
Claude Morelli, North Valley Coalition, 7 Garden Park Cir. NW, Albuquerque, NM 87107

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Revised 9/2/2009

A note shall be added to the site development plan stating: "An official representative of the program shall be a member of any directly affected neighborhood association recognized by the City."

CITY ENGINEER

Transportation Development

Revised 8/26/09

Findings:

- The site plan, as submitted, is an as-built site plan with minor modifications to meet City of Albuquerque zoning requirements.

Conditions:

- If applicable, the Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
- Concurrent platting action required at the DRB.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

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- b. Concurrent platting action required at the DRB.

POLICE DEPARTMENT/Planning

Revised 8/19/2009

Applicant seems to have added the recommendations made in previous comments.
(Valley Area Command)